

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 SSO-00 NSCE-00 INRE-00

USIE-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07 EA-07

FRB-03 INR-07 NEA-10 NSAE-00 OPIC-03 SP-02 TRSE-00

CIEP-01 LAB-04 SIL-01 OMB-01 DODE-00 DOTE-00 FMC-01

CG-00 OFA-01 DLOS-04 PA-01 PRS-01 STR-04 /087 W

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AMEMBASSY BRUSSELS

USMISSION EC BRUSSELS

AMEMBASSY DUBLIN

USDEL MTN GENEVA

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY ROME

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E.O. 11652: N/A

TAGS: EFIN, EWWT, DA

SUBJECT: REQUEST FOR U.S. SUPPORT ON OECD MARITIME PROCEDURE

1. FOREIGN MINISTRY (OLE KOCH) CALLED IN ECONCOUNS
OCT 6 TO REQUEST U.S. SUPPORT FOR OECD LANGUAGE THAT WOULD
ASSURE THE MARITIME TRANSPORT COMMITTEE IS WITHOUT QUESTION
INVOLVED IN MATTERS PERTAINING TO THE UN CONVENTION ON
CODE OF CONDUCT FOR LINER CONFERENCES. KOCH SAID THAT HE
WAS SPEAKING FOR THE FOUR NORDIC COUNTRIES, WHO IN A MEETING
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LAST WEEK THAT DENMARK SHOULD MAKE THE APPROACH.

2. FOLLOWING IS THE TEXT OF LANGUAGE WHICH KOCH SAID HAS BEEN AGREED TO ON A PERSONAL BASIS BY REPRESENTATIVES OF U.S., UK, FRG, FRANCE AND DENMARK:

"THE COUNCIL

"(I) NOTED THE REPORT C(74)235 BY THE COMMITTEE FOR INVISIBLE TRANSACTIONS AND THE COMMENTS THEREON BY THE PAYMENTS COMMITTEE C(75)1, WHICH MADE IT CLEAR THAT OPINION AMONG MEMBER COUNTRIES WAS DIVIDED ON THE QUESTION OF WHETHER THE PROVISIONS OF THE UNITED NATIONS CONVENTIONS ON A CODE OF CONDUCT FOR LINER CONFERENCES ARE COMPATIBLE WITH THE OECD CODE OF LIBERALISATION OF CURRENT INVISIBLE OPERATIONS,

"(II) NOTED THAT MEMBER COUNTRIES, IF THEY BECOME PARTIES TO THE UNITED NATIONS CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES, WILL ABSTAIN FROM IMPLEMENTING SUCH CONVENTION BY (GOVERNMENTAL) MEASURES CONTRARY TO THE OECD CODE OF LIBERALIZATION OF CURRENT INVISIBLE OPERATIONS AND IN PARTICULAR TO NOTE 1 IN ITS ANNEX A,

"(III) RECALLS THAT THE OECD COMMITTEE FOR INVISIBLE TRANSACTIONS WILL CONTINUE TO REVIEW CONSULTING WITH THE MARITIME TRANSPORT COMMITTEE AS NECESSARY DEVELOPMENTS WITH RESPECT TO THE UNITED NATIONS CONVENTION WHICH INVOLVE ANY QUESTIONS OF OECD MEMBER COUNTRIES' OBLIGATIONS UNDER THE CODE OF LIBERALIZATION OF CURRENT INVISIBLE OPERATIONS AND REPORT TO THE COUNCIL AS APPROPRIATE."

3. THE FOUR NORDIC COUNTRIES PROPOSE THAT PARAGRAPH III (THEY CAN ACCEPT PARAS I AND II) ABOVE BE ELIMINATED ENTIRELY AND THE FOLLOWING BE SUBSTITUTED:

"(III) REQUEST THE APPROPRIATE COMMITTEES TO KEEP THE MATTER UNDER REVIEW AND TO REPORT TO THE COUNCIL AS NECESSARY."

4. NORDIC OBJECTION TO PARA III AS IT APPEARS IN PARA 2 ABOVE IS AS FOLLOWS: (A) IT SIMPLY "RECALLS" AND DOES NOT REALLY INSTRUCT ANYONE OR ANYBODY TO TAKE ACTION; LIMITED OFFICIAL USE

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(B) PARAMOUNTCY IS GIVEN TO THE COMMITTEE FOR INVISIBLE TRANSACTIONS, WHICH IS COMPOSED OF "CENTRAL BANK TYPES", WHO ARE PRIMARILY INTERESTED IN FOREIGN EXCHANGE PROBLEMS AND HAVE LITTLE KNOWLEDGE OF OR INTEREST IN MARITIME AFFAIRS; AND (C) THERE IS NO ASSURANCE THAT THE MARITIME QUESTION WILL REMAIN ON AGENDA AND GIVEN "EXHAUSTION OF PARTIES CONCERNED," IT MIGHT BE DIFFICULT TO RESTORE IT IF PRESENT PARA III IS MAINTAINED.

5. KOCH STATED THAT THERE WILL BE ANOTHER INFORMA
MEETING IN PARIS OF REPRESENTATIVES FROM U.S., UK, FRG,
FRANCE, DENMARK AND AUSTRALIA TO CONSIDER THE LANGUAGE,
WHICH WILL THEN BE SUBMITTED TO THE OECD EXECUTIVE
COUNCIL ON OCT 9. KOCH WAS HOPEFUL THAT U.S. COULD
INSTRUCT ITS OECD REPRESENTATIVE TO SUPPOR THE NORDIC
REQUEST AT THE OCT 6 MEETING, ALTHOUGH HE REALIZED THAT
THE TIMING WAS DIFFICULT, AND WOULD SUPPORT IT AT THE
OCT 9 COUNCIL MEETING.

6. IN ORDER TO BE HELPFUL, KOCH STATED THAT THE NORDICS
ARE WILLING TO DROP THEIR EARLIER INSISTENCE ON
ESTABLISHMENT OF A COMMITTEE OF LEGAL EXPOERTS TO
CLARIFY LEGAL MATTERS AND EXTENT OF OBLIGATIONS
WHICH WOULD BE ASSUMED BY CONTRACTING PARTIES OF THE
UN LINER CODE CONVENTION; I.E., A PROPOSAL WHICH THE
UK HAD PUT FORTH. THEY HOPE THAT OTHERS WILL BE
SIMILARLY HELPFUL IN SUPPORTING NORDIC PROPOSAL
ON LANGUAGE DESCRIBED ABOVE.
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